

## **REMARKS**

Claims 1, 2, and 7, rejected under 35 U.S.C. §112, first paragraph, have been amended to overcome this rejection. Antecedent support for the amendment can be found on page 15, lines 14-25. Claim 8, also rejected under 35 U.S.C. §112, first paragraph, already contains language similar to the amendment made to claims 1, 2, and 7 to overcome the rejection under 35 U.S.C. §112, first paragraph.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Arima, U.S. Patent No. 4,907,198.

Arima teaches an EEPROM formed of three-layer polysilicon in which a floating gate 2 is at a second level and a portion thereof is at a first level. A first control gate 15 and a select gate 3 are formed at the first level. A second control gate is formed on the floating gate 2. A tunnel region 14, which has an insulating film 6, is formed on the substrate 11 wherein one portion of the tunnel region is defined by the select gate 3 and the first control gate 15. Arima does not suggest a tunnel gate oxide film in a region to be an active region of the unit cell as claimed in claim 1, as amended.

In view of the foregoing, it is believed that claims 1, 2 and 5-8 are allowable over the art.

**CLOSING**

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that independent claims 1, 2, 7 and 8 are in condition for allowance, as well as those claims dependent therefrom. Passage of this case to allowance is earnestly solicited.

However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted,



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